

 KENTUCKY CORRECTIONS Policies and Procedures	Policy Number	Total Pages
	27-08-01	6
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	Amended 12/9/08	February 6, 2009
Authority/References KRS 196.030, 196.035, 503.010 - 503.050, 503.070 - 503.120 ACA Standards 3-3087, 3-3088, 3-3092, 3-3098, 3-3175, and 3-3176	Subject USE OF FORCE AND CRITICAL INCIDENT REPORTING	

I. DEFINITIONS

“Critical incident” means: (1) Any incident involving the use of force beyond normal restraint, including deadly physical force wherein death or serious physical injury has or might occur; or (2) A motor vehicle accident in the course of an employee’s official duties.

“Deadly Physical Force” is defined in KRS § 503.010.

"Force" means “physical force”, including restraint or use of chemical agents, or “deadly physical force” to the extent the force is authorized under this policy and the law of the Commonwealth of Kentucky.

“Offender” means any person under the supervision of the Division of Probation and Parole.

“Officer” means a Probation and Parole officer.

“Oleoresin capsicum” or "OC" means an organic substance found in plants, including cayenne pepper, and is a naturally occurring inflammatory agent which, if sprayed, may temporarily incapacitate a person due to the swelling of his mucous membranes.

“Physical Force” is defined in KRS § 503.010(4).

II. POLICY and PROCEDURE (GENERAL)

- A. An officer shall use force only as authorized by the provisions of KRS Chapter 503 and other applicable law of the Commonwealth of Kentucky.
- B. To the extent possible, a situation involving the use of force shall be avoided by the officer. In an unavoidable situation, assistance may be sought by the officer from a local law enforcement agency or a fellow Probation and Parole officer. Only that force necessary to bring the situation under control shall be applied, and

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only for as long as is needed to eliminate the threat or resolve the situation that initially justified the use of force.

1. Force if used shall be:
 - a. Only used as a last resort;
 - b. Reasonable and necessary; and
 - c. Not excessive or inappropriate.
2. An officer may use force, as otherwise justified under KRS Chapter 503 or other applicable law of the Commonwealth of Kentucky, in the following situations:
 - a. Execution of his duty;
 - b. Self-protection;
 - c. Protection of a third party;
 - d. Prevention of escape;
 - e. Effecting an arrest; and
 - f. In other situations for which Kentucky law authorizes the use of force.
3. Any injuries sustained by Probation and Parole employees or third parties during the use of force shall be treated promptly by trained medical staff.

III. POLICY and PROCEDURE (OC SPRAY)

- A. Before using OC, an officer shall successfully complete a course of instruction approved by the Division of Corrections Training in the proper use of OC and approved treatment of an individual who is exposed to OC (3-3087). OC training shall be required for any employee authorized to use the substance in the performance of his duty. The training shall include (3-3088):
 1. Specific instruction regarding the use of the product as specified by the manufacturer;
 2. Precautions to be followed as specified by the manufacturer;
 3. Instructions on how and when OC may be used;

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4. Type of medical care for exposure; and
 5. Reporting procedures.
- B. Employees who do not participate in OC training shall produce a statement to the District Supervisor from a medical doctor stating the reason why they cannot participate in the training. This statement shall be renewed on an annual basis if the employee continues to choose not to participate in OC training.
- C. OC Spray shall be used as follows:
1. OC shall not be used on an offender except to (3-3092):
 - a. Prevent serious injury to self or another;
 - b. Prevent loss of life; or
 - c. To effect an arrest if lesser means of force have been exhausted.
 2. If known, the following shall be considered, before the use of OC:
 - a. The offender has a significant respiratory problem that may be adversely affected by OC; or
 - b. The offender has a significant history of psychotic behavior, as a psychotic may react differently than anticipated.
 3. If possible, before using OC spray, the offender shall be warned that unless he complies with the officer's directives he shall be sprayed.
 4. OC spray shall be dispensed in an amount sufficient to achieve its intended purpose.
 5. If possible, care shall be taken to see anyone not involved in the altercation is not subjected to the spray.
 6. If possible, consideration shall be given to environmental factors including wind direction and velocity.
 7. After an offender is sprayed, he shall be given a verbal order to assume a standing or prone handcuffing position. An officer shall assure the offender that he will receive appropriate after-care treatment, as necessary,

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and that the OC effects will shortly dissipate. An officer shall then handcuff and search the offender.

8. After-care of the offender shall be achieved by exposing him to fresh air and, if possible, flushing the sprayed areas with cool water.
9. Manufacturer's recommended decontamination procedures for an individual and the effected area shall be followed as soon as the situation allows.
10. Detention personnel shall be notified that the offender has been exposed to OC.
11. An inventory log shall be maintained, including:
 - a. To whom OC is issued;
 - b. Item description and serial number;
 - c. Date of issue; and
 - d. Date turned in or destroyed.

IV. POLICY and PROCEDURE (INCIDENT REPORTING)

- A. Any critical incident involving employees in the performance of their job duties shall be reported immediately to the Director of Probation and Parole through the chain of command.
- B. All concerns regarding the immediate safety of all involved, law enforcement notification, medical attention, and family notification shall be dealt with expediently by the District Supervisor, Assistant Supervisor, and Central Office staff.
- C. Immediate Action
 1. The officer or officers involved shall immediately assess the scene for safety and request medical attention for any person or persons who are injured. Officers shall, if able and if the area is safe, provide emergency medical attention until emergency medical personnel arrive and secure the scene.
 2. If a critical incident occurs, the officer involved or another officer shall immediately notify the District Supervisor or Assistant Supervisor of the

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situation. The District Supervisor or Assistant Supervisor shall immediately notify the chain of command.

3. During a critical incident, the District Supervisor, or designee, shall go to the scene of the incident. In instances of use of force, the District Supervisor, or designee, shall demand immediate blood testing, for the officer involved, to determine whether there is a presence of alcohol and drugs. In the case of firearms usage by an officer, the District Supervisor or designee shall request a neutron-activation test.
4. Local law enforcement shall be contacted immediately by an officer involved.
5. Officers involved shall be prepared to defer to law enforcement control of the scene, to be Mirandized, and be potentially transported to police headquarters.
6. The District Supervisor or designee shall notify family members of the involved officers as soon as possible of the incident, and the whereabouts of the officer or officers involved.
7. All media contact shall be directed through the media contact liaison through the Department of Corrections. Officers or supervisors shall not provide statements to the media without authorization by the Commissioner or designee.
8. The District Supervisor or designee shall contact the Office of Legal Services for legal issues.

D. Investigation

1. All officers involved in a critical incident shall prepare a document detailing the incident, and submit it through the District Supervisor to Central Office. The document shall be completed on the date of the incident.
2. The involved officer or officers shall cooperate with the law enforcement investigation and subsequent investigation by the Commonwealth Attorney's office.
3. In the event of a critical incident involving the use of force, the involved officer or officers shall be referred by the District Supervisor or designee for a stress debriefing through the Kentucky Employees Assistance Program or other locally available service for the purpose of counseling to

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deal with the experience. This shall occur within 24-48 hours of the incident if possible.

4. The involved staff shall be granted leave with pay for the purpose of physical and mental healing following the incident, and to allow immediate progression of the investigation by the appropriate law enforcement agency. Officers shall be advised of benefits they may be eligible for through worker's compensation. The period of this leave shall be determined by the severity of any injury, the seriousness of the incident, and the officer or officers involved.
 5. The involved staff shall be granted temporary job reassignment after returning from leave in the instances if a legal investigation is continuing. If appropriate, the Deputy Commissioner or designee may place the officer or officers on a temporary reassignment.
- E. When the officer is ready to return to full duty, the District Supervisor or designee shall issue a written report detailing the officer's readiness and submit it to the Director or designee. The officer shall not be allowed to return to work until approval is granted by the Director or designee.